

REMARKS

Claims 1-8 are currently pending in the instant application. Claim 8 has been withdrawn from consideration. Claims 1-7 have been amended to delete non-elected subject matter. In light of the above amendments, claims 1-7 are under active consideration in this application. No new matter has been added.

Elections/Restrictions

Applicants' election of Group I, claims 1-8 and the species of compound 4 in the paper mailed July 2, 2003 is acknowledged by the Examiner. According to the Examiner, the election of compound 4 results in the following generic concept: The product of the formula (I) wherein:

R1 denotes a pyrrolidinocarbonyl,
R2 denotes a hydrogen atom or a C1-3-alkyl group,
R3 denotes a hydrogen atom or an (unsubstituted) C1-3-alkyl group,
Ar denotes a phenyl group substituted by the groups R5, R6, and R7,
R5 denotes an (unsubstituted) amidino group,
R6 denotes a hydrogen atom or a C1-3-alkyl group,
R7 denotes a hydrogen atom or a C1-3-alkyl group,
R8 denotes a hydrogen atom or an (unsubstituted) C1-3-alkyl group and
R9 denotes a hydrogen atom or an (unsubstituted) C1-3-alkyl group.

The Examiner contends that various subject matter of claims 1-8 differ materially in structure and element from the elected subject matter and has withdrawn this subject matter by means of a restriction requirement within the claims.

Applicants strongly disagree with the generic concept given by the Examiner and respectfully request that the generic concept be broadened for the following reasons. Groups such as thienyl, thiazolyl, pyrimidyl, etc are all monocyclic heteroaromatic groups and thus are clearly homologous with regard to search of prior art so as to be encompassed by one inventive entity. The same applies to other functional groups such as CH3 and CF3, etc.

Applicants do not agree with the restriction of R2 as denoting only a hydrogen atom or an unsubstituted C1-3-alkylene group. Applicants submit that the halogen atoms, the

trifluoromethyl or methoxy groups are also lipophilic groups. As can be seen in Table 1, below, these groups are interchangeable as evidenced by similar IC50-values for compounds bearing various R2 within one structure.

Table 1

| Example No. | | IC ₅₀ -value (nM) |
|-------------|----------------------------------|---------------------------------|
| 17 | R ² = CH ₃ | 20 |
| 19 | R ² = CF ₃ | 9 |
| 21 | R ² = Br | 22 |

Furthermore, the recitation of R2 in the claims under consideration has been amended to delete hydrogen. Thus, the scope of the claimed subject matter is to compounds which bear essentially another substituent than the pyrrolidinocarbonyl group at the phenylene group.

Applicants also submit that compounds differing only in R6 exhibit similar IC50 values. As evidenced in Table 2, Example 4, bearing a hydrogen atom for R6, exhibits similar IC50 values as Example 8 wherein R6 is a hydroxy group. Applicants respectfully request that R6 include a hydrogen atom, hydroxyl group and C1-3-alkyl group.

Table 2

| Example No. | | IC ₅₀ -value (nM) |
|-------------|---------------------|---------------------------------|
| 4 | R ⁶ = H | 28 |
| 8 | R ⁶ = OH | 49 |

In view of the above remarks, Applicants respectfully request that the generic concept be broadened.

Objections to the Claims

Claims 1-3 and 5-7 are objected to as containing non-elected subject matter.

In response, Applicants have deleted some subject matter which the Examiner contends is non-elected. However, for the reasons detailed above, Applicants maintain that certain functional groups would be encompassed by one inventive concept. For example, Applicants respectfully request that the definition of R2 as a hydrogen atom or a C1-3-alkyl group be broadened to include chlorine or bromine atom and C1-3-alkoxy group. In addition, Applicants respectfully request that the Examiner extend her definition of R6 as a hydrogen atom or a C1-3-alkyl group to include hydroxy group.

Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the Objections to the claims.

Rejections under 35 USC § 112

Claims 1-3, 6, and 7 are rejected under 35 USC §112, second paragraph as being indefinite. According to the Examiner, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation in the same claim is considered indefinite.

In response, Applicants have amended claims 1-3 (and claims 6 and 7 dependent thereon) to delete the specifically claimed compounds. Because the specifically claimed compounds are recited in claim 5, no new claims which recite the specifically claimed compounds have been added.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are not indefinite under Section 112 and requests withdrawal of this rejection.

Rejections under 35 USC § 103

Claims 1-3 and 5-7 are rejected under 35 USC §103(a) as obvious over WO 00/71512. The Examiner contends that Example 24 of WO 00/71512 “differs from the instantly elected invention in the value for G, but there are other preferred embodiments of the prior art invention which have the value for G as –CR7R8”.

Applicants respectfully disagree with this rejection. While Applicants agree with the Examiner that the prior art does not disclose a specific species example which falls within Applicants' elected invention, Applicants submit that the subject matter of the present invention is in no way obvious in view of Example 24 of WO 00/71512, neither alone nor in combination with other embodiments disclosed in WO 00/71512.

It is earnestly asserted that the structural similarities between the claimed compound and those of the references are not sufficient to support a case of *prima facie* structural obviousness. The essential difference between Example 24 WO 00/71512, and the compounds of the instant invention is the second substituent R2 at the phenylene group. The cited reference in no way teaches nor suggests the second substituent R2 at the phenylene group of the claimed compositions.

With respect to all the presently pending claims, Applicants submit, that for all the reasons detailed above, the cited reference cannot and does not make obvious the claimed compositions. Accordingly, the rejection based on Section 103 must be withdrawn.

CONCLUSION

In light of the above amendments and remarks, Applicants submit that all of the objections and rejections have been overcome and must be withdrawn. Further, Applicants submit that the application is now in form for issuance and an early allowance is earnestly requested. If any issues remain, the Examiner is invited to telephone the Attorney at the number below.

Respectfully submitted,



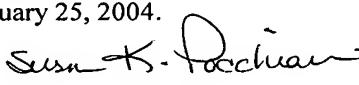
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